

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEVADA

) CASE NO. 3:21-cv-00109-MMD-CLB  
)  
)  
) **ORDER GRANTING STIPULATION**  
) **TO CONTINUE DEADLINE FOR**  
) **UNITED CONSTRUCTION CO. TO**  
) **FILE MOTION FOR PROTECTIVE**  
) **ORDER REGARDING DISPUTED**  
) **DOCUMENTS IN RESPONSE TO**  
) **PLAINTIFF'S SUBPOENA DUCES**  
) **TECUM TO TRINITY | ERD**

1 Defendant/Cross-Claimant )  
 2 )  
 3 vs. )  
 4 D&D ROOFING AND SHEET METAL, INC., )  
 a Nevada corporation; ATLAS )  
 5 CONTRACTORS, INC. a Nevada corporation, )  
 6 Cross-Defendants. )  
 7 \_\_\_\_\_ )

8 **STIPULATION TO CONTINUE DEADLINE FOR UNITED**  
 9 **CONSTRUCTION CO. TO FILE MOTION FOR PROTECTIVE ORDER**  
 10 **REGARDING DISPUTED DOCUMENTS IN RESPONSE TO PLAINTIFF’S**  
 11 **SUBPOENA DUCES TECUM TO TRINITY | ERD**

12 Plaintiff, Urban Outfitters, Inc. (“Plaintiff”), by and through its counsel of record, Brian K.  
 13 Walters, Esq. of Gordon Rees Scully Mansukhani, LLP, and Defendant, United Construction Co.  
 14 (“United”), by and through its counsel of record, Robert N. Eaton, Esq. of Lincoln, Gustafson &  
 15 Cercos, LLP, and Pamela A. McKay, Esq. of McKay Law Firm, Chtd., hereby stipulate as  
 follows.

16 1. Plaintiff subpoenaed documents from Trinity | ERD regarding certain consulting services it  
 17 provided to United related to roof damage and repairs at Plaintiff’s distribution facility.

18 2. United did not object to the subpoena duces tecum.

19 3. In response to the subpoena duces tecum, Trinity | ERD produced to Plaintiff the  
 20 documents it prepared on behalf of United related to roof damage and repairs at Plaintiff’s  
 21 distribution facility. Some of the documents provided were not disclosed to the parties in this  
 22 suit.

23 4. When counsel for United learned that Urban had obtained the referenced documents,  
 24 counsel objected to their disclosure pursuant to FRCP 45(e)(2)(B). Plaintiff postponed  
 25 disclosure of the documents pending informal discovery resolution efforts.

26 5. On August 15, 2022, Plaintiff provided counsel for United with an electronic link to the  
 27 referenced documents for their review in order to facilitate the informal discovery resolution  
 28 process.

1       6. United contends some of the documents Trinity | ERD provided in response to Plaintiff's  
2 subpoena duces tecum are protected from disclosure pursuant to the federal work product  
3 doctrine. Plaintiff disagrees.

4       7. After the September 2, 2022, discovery hearing conducted before the Honorable U.S.  
5 Magistrate Judge Carla Baldwin, Plaintiff's counsel and United's counsel, further met and  
6 conferred on the discovery dispute regarding the documents Trinity | ERD produced in response  
7 to the subpoena duces tecum.

8       8. United's counsel requested additional time to evaluate the documents to determine if a  
9 resolution was possible. Counsel for Plaintiff agreed to permit United's counsel additional time  
10 to review the documents. The parties agreed to extend the briefing schedule on United's Motion  
11 for Protective Order.

12       9. Plaintiff and United, through their respective counsel, agreed to further meet and confer in  
13 an effort to avoid the court's involvement, which will require the deadline for United to file a  
14 Motion for Protective Order to be extended from the time discussed during the September 2,  
15 2022 discovery dispute hearing; specifically, 15-days from September 2, 2022, which is  
16 September 16, 2022.

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10. Plaintiff and United agree to extend the deadline to file a Motion for Protective Order regarding certain disputed documents obtained from Trinity | ERD from September 16, 2022 to **September 30, 2022**, if needed.

**IT IS SO STIPULATED.**

GORDON REES SCULLY MANSUKHANI, LLP

MCKAY LAW FIRM, CHTD.

*/s/ Brian K. Walters*

*/s/ Pamela McKay*

By: BRIAN K. WALTERS (SBN 9711)  
300 South 4<sup>th</sup> Street, Ste. 1550  
Las Vegas, NV 89101

By: PAMELA A. MCKAY (SBN 7812)  
8440 W. Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128

Attorneys for Plaintiff,  
URBAN OUTFITTERS, INC.

Attorneys for Defendant/Cross-Claimant,  
UNITED CONSTRUCTION CO.

LINCOLN GUSTAFSON & CERCOS, LLP

*/s/ Robert N. Eaton*

By: ROBERT N. EATON (SBN 9547)  
3960 Howard Hughes Pkwy, Ste. 200  
Las Vegas, NV 89169

Attorneys for Defendant/Cross-Claimant,  
UNITED CONSTRUCTION, CO.

**ORDER**

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

DATED: September 15, 2022